

September 11, 1967

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Senator from Oregon has quoted time and time again on the floor of the Senate the opposition to the Mexican War by a dissenter of his day, a man named Abraham Lincoln, a Congressman from Illinois, who forthrightly and courageously spoke out about the illegality of the Mexican War, about the immorality of the Mexican War, about the lack of justification of our involving the American people in the Mexican War.

Mr. President, that great speech of Abraham Lincoln in the House of Representatives stands as one of his many deserved monuments in the history of the Republic.

So, too, was there a resolution in the case of Cuba in 1898. We heard it said in Congress at that time that a show of national unity would frighten Spain out of Cuba. But it led to war with Spain, instead.

One of the comments of the so-called war advocates in regard to both the Mexican War and the Spanish War is that we won both of them.

Oh, Mr. President, so often what a sting there is in victory. The fighting in those two wars stands as despoiled pages on the record of American history. Victory does not make right. We can commit enough inhumanity against both our men and the enemy to force a surrender. Some will call it victory, but history will record it as a great defeat because we will have defeated so many of the ideals of our Nation.

That has been our experience with the Tonkin Gulf resolution. It has been productive of more war and ever more war in Asia. If it had any effect upon North Vietnam at all, it was to prod that country into new and more carefully organized military and political activity for her own defense.

If one can find any comfort in our experience with this resolution, it is that no future resolutions of this kind will be accepted by Congress so long as anyone is here who went through the Tonkin Gulf experience.

#### NEW RESOLUTION NEEDED

Although I have always believed that resolution was a mistake, and that it should be rescinded, yet it is obvious that much more is needed.

I tried to rescind it, as will be recalled, a year and a half ago, and the course of action was to lay my proposal on the table. Whereas there were only two votes against the resolution in August 1964, being the votes of the Senator from Alaska [Mr. Gruening] and the senior Senator from Oregon, we had five votes against the motion to lay on the table, and everyone in the Senate knew what they were voting on. They were voting not on a motion to lay on the table, except in technical form; they were voting on whether or not they wanted to go on record on the floor of the Senate contrary to the position many of them take on the other side of those two doors. When many of them are out in the cloakroom, they freely admit they made a mistake when they voted for the Tonkin Gulf resolution in the first place, but not here on the floor of the Senate are they willing to admit they made a mistake by a vote to repeal. So, they voted for the motion to lay on the

table, many of them thinking they could explain it by saying it was a vote on a procedural matter. But the country knew it was a vote on a substantive matter.

I say respectfully to my beloved friends in the Senate that it is easy to make speeches here and elsewhere in the country raising regrets and doubts of the wisdom of passing the Tonkin Gulf resolution in the first instance, but I know of no gymnastic ambivalence that is going to enable any politician in the Senate or the House of Representatives to be on both sides of this issue. If they try to do that, I think the voters will catch up with them, and weil they should.

I would that the resolution could be repealed or rescinded. I am enough of a political realist to know that the probabilities of that happening are so remote that there is a greater chance for a frozen snowball to remain frozen in an oven of 150 degrees Fahrenheit. Therefore, my approach today is somewhat different from my approach of February 1966, when I sought to rescind the Tonkin Gulf resolution.

Although the administration takes the view that what Congress thinks is irrelevant, I believe the kind of resolution that is needed is a statement of congressional policy on how a major war in Southeast Asia should be dealt with by the United States. Such a resolution is needed because our previous policy of the Tonkin Gulf resolution has failed totally to arrest the size and scope of the conflict.

We need a resolution that recognizes that in acting unilaterally, the United States has not been able to stop the fighting, and that it has in fact grown into a major war that threatens the peace not only of all Asia, but of the entire world. It should recognize that the naval incident of August 1964, is no longer relevant to the situation, and the action that Congress anticipated at that time against North Vietnamese PT-boats has long since been carried out. The resolution I am offering today is based on these facts.

It expresses the sense of Congress that the President and his administration act as we are required to act under the charter of the United Nations. It states that the President should request the Security Council of the United Nations to meet on the subject of the entire Vietnamese war, and asks that he call upon the Security Council to issue a call for a cease-fire by all parties on all fronts of the fighting.

One of the essential provisions of my resolution is that we must propose and be willing to comply with a cease-fire order. We have got to stop the killing, and we have got to stop the sending of our young men to Southeast Asia to be slaughtered in a war that is unjustifiable, illegal, and immoral. That is the test of our ideals. It means, as I said in my colloquy with the Senator from Kentucky [Mr. Cooper], that we must submit a resolution to the U.N. that is subject to a veto or adoption. We must submit a resolution in which we pledge that we will accept the jurisdiction of the United Nations and comply with its orders. That is what the charter provides, and that is what we have never been willing to do. Until we do it, and I speak most respectfully of my President,

all of his talking about being willing to go to the United Nations is empty semantics.

The language we must use and the pledge we must make is that we will abide by the jurisdiction of the procedures of the charter. The first thing we have to be willing to commit ourselves to is that we will support a cease-fire order. That will stop the killing. Of course, as I shall point out later, it calls for enforcement, but that is what the United Nations Charter was set up to do.

That is why I have been heard to say so many times in these historic debates in the Senate that the sad thing is not a single signatory to the United Nations Charter, including the United States, has ever carried out its solemn commitment vis-a-vis the war in Vietnam. That goes for our neighbor to the north—Canada—for Great Britain, the Scandinavian countries, France, Russia, Italy, Japan, India, and the Latin American countries. Every signatory has failed to carry out the clear obligation that their signature to the charter imposed upon them when they signed it.

If the charter is becoming a dead letter, as some critics of the United Nations declare, that is only because the signatories to it no longer seem to honor their signatures in a great world crisis such as this.

It further urges that the United States ask the Security Council to take whatever steps necessary to enforce that cease-fire, and it states that whatever action the Council decides to take under article 25 will be accepted and carried out by the United States.

The resolution states further that if the Security Council fails to act to assert jurisdiction over the war, the President should pursue the same course of action in the General Assembly, just as we did in the case of the Congo when the Security Council failed to act and the General Assembly acted instead to prevent a colossal confrontation among nations warring for control of central Africa.

When it is India, Pakistan, Israel, or Egypt, or the Soviet Union that is involved in warfare, the United States has always insisted that the United Nations act to take jurisdiction and to move in and settle the dispute.

Senators have heard me discuss many times the situation involving the Cyprus problem, when Great Britain and the United States attempted, behind the scenes, to work out an understanding to get NATO to move in on the Cyprus issue.

As the RECORD will show, 10 days before I had the slightest idea of what Russia and France were planning in regard to Cyprus, I took the floor of the Senate and made a major speech calling for United Nations action on the Cyprus problem. I pointed out that there was not a scintilla of legal basis for NATO involvement in Cyprus, but that the United Nations Charter cried out for United Nations intervention.

Later, we were told that the Pentagon, the State Department, and the CIA were not aware of what Russia and France were up to at the time. I said during that debate that it was nothing new for the

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✓ Pentagon, the State Department, or the CIA to be caught flatfooted. But, 10 days later, Russia and France showed their hands, for they had gone about lining up a large number of nations for United Nations intervention in the Cyprus issue; and then, to the everlasting credit of my government and the British Crown, both nations joined in the march toward peace in Cyprus through United Nations intervention—and a war was prevented, then and since. For how long, we can only hope—but I am hopeful; although, as I have said, and repeat, would it not have been paradoxical if Greece and Turkey had gone to war against each other, each side 100 percent equipped with American military aid and materiel?

What has happened to our morality?

What has happened to the American people, that they would permit their Government to go around the world, equipping with American military equipment, nations having great conflicts and controversies with their neighbors, thereby increasing—not decreasing—the possibility and probability of war? That is why I offer no apology for my consistent votes against military aid of this kind.

Military aid to maintain internal order is quite different, because it involves entirely different equipment from military aid which can be used only for external wars.

Mr. President, I do not accept the argument that the United Nations cannot work. I point out only that it cannot work unless the signatories to the Charter are willing to make it work. If they are not willing to make it work, then let me say to all the signatories to the charter whom I have already mentioned and to the rest whom I have not that they must assume not only the moral responsibility for the war in Vietnam but also the responsibility for what I consider to be a violation of their legal obligations under the charter, to do what they can to insist that the charter shall be applied to the war.

Mr. President, the record is clear that, more often than not, when the U.N. has intervened, it has been able to stop war. But when the United States is involved massively in war in Vietnam, we have not once asked the U.N. to take effective action to stop or to settle the dispute.

#### OBJECTIONS TO U.N. ACTION UNCONVINCING

People say: "But isn't the U.N. too divided, too weak to handle a big war like this?"

My answer is: "It is the job of the U.N. to keep peace. The United States set out to keep peace alone. Instead of bringing peace to Vietnam, we have contributed more than our share to the steady enlargement of the war, the steady increase in death and destruction. We cannot keep peace acting alone, as the course of this war amply demonstrates. We cannot keep peace as policeman to the world because the world does not accept one country's idea of what the peace should be, any more than the world accepted Britain's idea of world order, or Germany's, or Napoleon's. The United Nations deserves chance. It cannot do worse than we have done in bringing peace to Vietnam."

A single world power enforces peace by waging war against those who have a different idea of what the peace should be. What a far cry that is from self-defense. What a far cry from protecting the lives and safety and liberty of the American people.

Every day this war continues, we are jeopardizing the lives of young Americans still in high school who will be sent into that conflict if it is not brought to a conclusion soon. Every day it continues, we have less control over its scope, less control over the responses of North Vietnam, the responses of Russia and China, who have an even more direct stake than we do in what happens in Southeast Asia.

Every day it continues we are sucked further into the land mass of Asia, which has swallowed up multitudes of outsiders—even from Japan—who believed they were powerful enough to control Asia.

Just as I am unimpressed by our self-flattering theory about serving as policeman to the world, so I am unimpressed by the timid voices at the United Nations who prefer to shun their responsibilities under the charter simply because it is the United States that is involved in the war. We are the world's most powerful nation, and we are by far its wealthiest. Apparently, no one wants to reprimand or chastise or bring under international control the goose that lays the golden egg.

We are pouring in aid totaling billions of dollars. It has totaled over \$121 billion since 1946 into some 93 nations.

That is why I say I think it is simply unrealistic to assume that the United Nations will take jurisdiction unless the United States is willing to make the pledge that my resolution calls for; unless my country is willing to offer a resolution that calls for a cease-fire order by the United Nations; unless my country is willing to submit a resolution that calls upon the United Nations to enforce the peace and pledges that we will abide by its determination. We will have our share of the voice in helping to frame the determination, but whatever the determinations are, we ought to make clear, before the fact, that we will abide by the adjudication, so to speak, of the United Nations.

I have heard it said that U Thant thinks the U.N. has no role to play in the Vietnam war. My answer is that Thant is not the United Nations. The members comprise the United Nations, the Secretary General is naught but an agent of the United Nations. Yet we have permitted to be developed, by way of rationalization, the false premise that if U Thant says we should not do it, then we should not do it. I have great respect and high praise for him with regard to many of his recommendations and actions; but, in my judgment, it is for the United Nations to determine the course of action; and if U Thant thinks he cannot cooperate to carry out those decisions, then let us have a new Secretary General of the United Nations, for the members constitute the organization, not the Secretary General.

At the time of the Middle East crisis, the Senate heard me declare what I con-

sidered to be a usurpation of power on the part of the Secretary General when, without getting approval of his principals, he proceeded to yield to Nasser in the withdrawal of United Nations forces. May I say I think it is regrettable that all the United States did at that time was make some statements in the United Nations expressing concern about it and disagreement with the exercise of his discretion. The issue should have been drawn with U Thant, and it should have been made perfectly clear to the Secretary General that he is a servant of the United Nations, not its controller, not its policymaker. He has a right to make recommendations, and I give great respect to his recommendations, but it is one thing to make recommendations and it is another thing to proceed to determine policy.

Those who are mentioning U Thant's position with regard to a Security Council or United Nations intervention in South Vietnam are, in my judgment, looking for excuses, not reasons, for our not doing what the Charter places upon every signatory the clear legal obligation to do.

More important, may I say, why does not the United Nations have a role to play? It had a role in the war between India and Pakistan; it had a role in the Middle East; it has a role wherever its members decide it has a role.

Of course, as the Senate knows, as I have made clear in some of my discussions on the Middle East problem, it did not carry out its role in the Middle East, but at least it recognized that it had a role.

I shall never accede to the idea that Thant or any other Secretary General has a veto power over the United Nations.

No one regrets more than I that the United States has never accepted the first recommendation that Thant has made for bringing the war to a negotiated settlement. His first recommendation is that the United States stop bombing North Vietnam. And I think it should, and I have pleaded for it time and time again here on the floor of the Senate and from the platforms of America. His first recommendation, as I have said, is that we should stop bombing North Vietnam, and I think he is right. We have had our little "pauses." But that is all they ever were. They were "pauses," and we have called them pauses in full knowledge that they constituted more of an ultimatum to negotiate promptly—"or else"—than a true cessation in bombing.

But the real point I am making is this: There never will be a bona fide cessation in the bombing of North Vietnam until the nations of the world compel it.

I would it were not true, but I am satisfied it is. The United States will never reduce its use of military power simply on the basis of its own initiatives. It will only reduce its use of military power upon the severe protestations of other countries, either acting directly or through the medium of the United Nations.

If a halt is desired in the bombing—and I think it is—the way to get it is to have the Security Council of the United

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Nations demand it, as part of a general cease-fire. If Great Britain thinks a stop in the bombing will be helpful in bringing about negotiations, why does she continue to give lip-service to American conduct of the war? If Russia thinks the bombing of North Vietnam should stop, why does she shrink from seeking a Security Council decision to that effect?

If opinion in Scandinavian countries, and elsewhere in the world, is opposed to the bombing of North Vietnam, why do not these countries take the one means they can take of stopping it—by a Security Council resolution, or by a General Assembly resolution?

If the United States is in violation of the U.N. Charter in our bombing policy, so is every signatory that has done nothing to institute U.N. action to take jurisdiction over the war.

There are many forms that jurisdiction could take. The Security Council could reconvene the Geneva Conference. It could reconvene the same membership, or it could expand the participation to include whatever countries it thinks appropriate. Or the Security Council could refer the matter to the General Assembly, if it is stymied, itself, by a veto.

More important, the United States itself must insist that the General Assembly act if the Security Council fails to do so.

Before leaving this portion of my speech, I wish to refer to the fine letter in the New York Times of this morning from Congressman JONATHAN BINGHAM, of New York. Congressman BINGHAM also makes the point that American references to its past "bombing pauses" have been barren and will continue to be barren of results so long as they are not accompanied by practical steps to bring political pressure upon Hanoi to negotiate. I ask unanimous consent to have Congressman BINGHAM's letter printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

AMERICAN TRUST IN WAR POLICY DIMINISHING

MR. MORSE. I believe it is important for this country to put the whole Vietnam war before the United Nations in good faith, and to do it now. The dominant fact in American political life today is the war in Vietnam. It occupies the attention of our President and much of his administration; it is the sword that hangs over the head of every public works project, every farm program, and every education bill that comes before the Congress; it may soon reach into the pocketbook of every taxpayer for more tax money; it governs the lives of the half a million young men who are serving in it, and the future of every lad in his teens who must plan his education and his career around the likelihood of 2 years' service in Asia.

The origins of American involvement date back to World War II, and are too complex to deal with in the short time I have today. So, too, are the various and shifting reasons given for our interest in the Vietnam complex. But they do not go to the people of Vietnam. They go to the fear the United States has for China, and

our desire to hold territory around Chinese borders.

The election recently held in South Vietnam was democratic in exactly the same way every Communist election is democratic. All the candidates were screened by the military junta and those who did not pass its political test were not permitted to run at all. The most popular political figure in South Vietnam—one of our ex-junta leaders, General Minh—was not even granted permission to return from exile, much less run for the presidency.

It is the view of many that one of the reasons that the military junta did not want General Minh to return to Vietnam and run for the presidency was not only because they feared he might be the most popular public figure in South Vietnam but also because he has given indication that he does not reject the idea that some form of a coalition government may have to be worked out with the Vietcong and some form of unification with North Vietnam. Of course, in South Vietnam today, even advocating any form of neutralism is a crime subject to imprisonment upon conviction, and the very thought of a possible recognition of the Vietcong for purposes of peace negotiations would disqualify anyone for public office on the part of the military dictators of South Vietnam.

Yet the Vietcong have wide support among the South Vietnamese people. It is so hard to get that fact through to the American people. But interestingly enough, it is known everywhere else in the world.

That is why the moment we withdraw American bayonets from South Vietnam, the mass of the people will overrun the dictatorship we are supporting, and there will be a shocking slaughter and massacre, possibly unequaled in human history—unless we follow a course of action such as I am suggesting today, whereby other nations will move in, under international law, to enforce a peace, not make war, and to exercise control for that period of time necessary for a viable government to be established and for agreements to be reached.

Then perhaps we will recognize that there is a Vietcong; and will recognize what this administration just never wants to bring itself to recognize: That we are in the midst of a civil war in Vietnam, and we have no business in it. It does not involve the slightest interest of the United States.

That is why so many of the world authorities on Southeast Asia are so emphatically critical of the policy that the United States is following there.

MR. PRESIDENT, I repeat, in South Vietnam today it not only is a crime to advocate coalition and neutralism, but it will disqualify anyone running for public office, at least it would have if he sought to run for public office in this last election. MR. PRESIDENT, that also is interesting proof of what we are supporting over there. We are supporting a dictatorship.

More and more of our fellow American citizens are coming to realize that we are sending American soldiers to their deaths on the battlefields of South Vietnam in an undeclared war in order to maintain

in power the military dictatorship now headed by Generals Thieu and Ky, and our continued participation in the war is becoming more and more unacceptable, in our country and around the world.

In spite of all the propaganda and gibes that are being put out by Secretary Rush in Washington, D.C., and Ambassador Bunker in Saigon, seeking to create in the minds of the American people the impression that the recent elections were democratic, the fact is that they were elections dictated by the military junta.

Also contrary to the propaganda that we have engineered the first election in Vietnam, this is not the first time that such controlled elections have been held in South Vietnam. We should not forget that Diem, our first puppet, was proclaimed by us to have been elected at the ballot boxes of South Vietnam in 1955. That election was in fact limited and restricted to our selected puppet candidate Diem, who in what amounted to a mock election, ran against Bao Dai, the Emperor, who everyone knew was to all intents and purposes out of office before the election was held insofar as keeping any real power was concerned.

The election of Diem was but a charade to give the false impression that he had been legitimized as the head of state. Most of the world knew that he was the illegitimate offspring of the U.S. State Department, as far as his diplomatic and governmental standing was concerned. We gave him birth as far as political power is concerned. Do not forget that Diem was a South Vietnamese exile in the United States, who had never fought the French 1 hour. He ran out of Vietnam and came to the United States, and John Foster Dulles, the American Secretary of State, took him over, they indoctrinated him down at the CIA, the Pentagon, and the State Department, and then we in the United States took him back to Vietnam. We set him up in power. We financed him. We militarized him. We directed him.

We have directed every military junta puppet ever since. Most of the world knows it, but still many Americans do not seem to know it.

MR. PRESIDENT, I say further that this is part and parcel of the credibility gap that has developed in this country, between the shocking falsity of the propaganda of recent administrations, and fact. One of our great problems is to obtain an enlightened public understanding of the basis for the war, to get these facts understood.

I happen to be one Senator, as my fellow Senators know, who has rejected the argument, every time it has been made, that it does not make any difference how we got in—we must now win and get out.

It makes all the difference in the world how we got in, because the world understands how we got in; and until we correct the mistakes involved in our going in, we will not be able, Mr. President, to obtain the support of the world for our course of action.

I believe the best way to obtain that support is for us now, at long last, to say to the United Nations, "We call upon you to take jurisdiction, and we will abide

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Other agencies he criticized were the manpower service, which is a collection of state agencies responsible in part to the Labor Department, and the Small Business Administration.

When, he added, "it looks as though they can get additional funds and build additional empires on the state and regional level, suddenly Indians are very important to them. In this past year as the different programs, developed under or original with O.E.O., have been spun off to other agencies, we have had a proliferation of agencies all trying to 'get into the Indian business.' So we are about to be saddled with a series of regional, state and local bureaucracies for every program that we have eligibility for."

A loan program for poor entrepreneurs has been taken away from the Office of Economic Opportunity, and some training programs have been delegated to the Labor Department.

"The genius of early development of programs under the economic opportunity act," said Mr. Doloria, "was that Indian people were not required to go to a state office, then a regional office, then a district office, then finally a national office simply to get to the Labor Department."

#### NEW AGENCY WELCOMED

Al Spang, a member of the Northern Cheyenne tribe of Montana who is working for his doctorate, said:

"The Indian people, who have lived with, functioned under, and fought with old-line established agencies for years, welcome the opportunity to work with an agency that is not burdened with manuals, regulations, and red tape. We know that these established agencies are project-oriented rather than people oriented, a realization that ought to startle all Congressional Representatives into reality and fight for the continued existence of O.E.O."

Senator Joseph S. Clark, Democrat of Pennsylvania, a champion of family planning programs financed by the Office of Economic Opportunity, encountered the Indian insistence on self-determination when he questioned the wisdom of the reproduction rate of reservations.

"At the moment," said Ronnie Lupe, an Apache tribal chairman from White River, Ariz., "would discourage such a program" as family planning.

"Why?" asked Senator Clark.

"I would like the Indians to outnumber the foreigners," the witness replied. The audience laughed.

Senator Clark, chairman of the Subcommittee on Manpower Employment and Poverty, conducted the hearing in the spacious lobby of the Civic Auditorium with an audience of about 500. Indian representatives came from South Dakota, Montana, Arizona and New Mexico. Most of the Indians wore conventional clothing, though there was a sprinkling of tribal dress.

Senator Clark had lunch with seven enrollees at a Women's Job Corps center, who gave him a generally favorable report of the center's curriculum and conduct.

#### CONCLUSION OF MORNING BUSINESS

**THE PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

#### THE RIGHT AND RESPONSIBILITY TO DISSENT

**MR. MORSE.** Mr. President, events of recent days prompt me to address the Senate today on the subject of "The Right and Responsibility to Dissent."

York Times for Friday, April 28, 1967, discusses the importance of the right of dissent within the heritage of American constitutionalism and its guarantees of freedom.

I shall quote part of Reston's article as a fitting introduction to my remarks. Reston wrote:

When Secretary of Defense McNamara was asked this week whether he agreed with Westmoreland's public observation that the critics of the Vietnam war were "helping the enemy," he replied: "I have long spoken in favor of free speech in this country. . . . It's what we have fought for for 200 years, domestically and internationally, and I would not like to see any action taken to in any way restrict it."

McNamara carries in his pocketbook a quotation from the late Judge Learned Hand, which reads as follows:

"I believe that that community is already in process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed . . . is a mark of disaffection . . . where orthodoxy chokes freedom of dissent; where the faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists to win or lose."

"Such fears as these are a solvent which can eat out the cement that binds the stones together; they may in the end subject us to a despotism as evil as any that we dread; and they can be allayed only insofar as we refuse to proceed on suspicion, and trust one another until we have tangible ground for misgiving. The mutual confidence on which all else depends can be maintained only by an open mind and a brave reliance upon free discussion. . . ."

I would have those who want to squelch dissent, I would have those in this administration who are seeking to give the false impression that those of us who dare to point out to the American people that this is an illegal, immoral, and unjustifiable war, as we seek, as dissenters, to change ourselves from a minority into a majority, read and reread this great pronouncement of the precious right and the importance of dissent, handed down by the great Judge Learned Hand.

No one in this administration or in the Senate or in the House of Representatives or in the Pentagon, and no one in the American military uniform, will have the slightest influence on the senior Senator from Oregon in dissenting against a foreign policy in connection with the Vietnam war that, in my judgment, threatens the destiny of the Republic. In my judgment, if we continue this escalation in Southeast Asia, we will end up in a massive war in Asia, which can be the prelude to world war 3, out of which the United States will not survive.

The historian, Carl Van Doren, tells us that when the printed Constitution was presented to the Convention at Philadelphia, Benjamin Franklin "at once rose with a speech in his hand" and addressed the delegates in these words:

Having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions even on important subjects. . . . The older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men as well as most sects in religion, think themselves in

others differ from them, it is error (to that extent) . . . A Protestant churchman, Franklin continued, is said to have remarked humorously to a Catholic friend that the only difference between our churches in their opinions . . . is that the Church of Rome is infallible (while) the Church of England is never in the wrong.

Beyond Franklin's wry and wonderful wit, however, was his usual wisdom. The Americans of that age would have been attuned to the gentle reminder that the origins of the word "dissent" can be traced back, as Webster's Dictionary informs us, to differing "from an established church in regard to doctrines, rites, or government."

The roots of the word "dissent" are in French and Latin: dis-sentire; to think or feel differently. I would agree myself with Franklin's suggestion that the function of dissent is to keep our Government and its institutions open to "better and fuller consideration."

A more recent statement of this view was contained in an article by Henry Steele Commager in the Saturday Review issue of December 18, 1965, in which he wrote:

The point is that when a nation silences criticism and dissent, it deprives itself of the power to correct its errors. . . .

It cannot be too often repeated that the justification and the purpose of freedom of speech is not to indulge those who want to speak their minds. It is to prevent error and discover truth. There may be other ways of detecting error and discovering truth than that of free discussion, but so far we have not found them.

It is this means of discovering truth that is supposed to distinguish us from all totalitarian forms of government, including Communist forms. To the charge that debate and dissent misleads an enemy into thinking we may abandon a policy, he replies:

If government, or those in positions of power and authority, can silence criticism by the argument that such criticism might be misunderstood somewhere, then there is an end to all criticism, and perhaps an end to our kind of political system. For men in authority will always think that criticism of their policies is dangerous. They will always equate their policies with patriotism, and find criticism subversive.

And as for the argument that criticism may give aid and comfort to some enemy, that is a form of blackmail unworthy of those who profess it. If it is to be accepted, we have an end to genuine discussion of foreign policies; for it will inevitably be invoked to stop debate and criticism whenever that debate gets acrimonious or the criticism cuts too close to the bone. And to the fevered mind of the FBI, the CIA, and some Senators, criticism always gives aid and comfort to the enemy or cuts too close to the bone.

This is what the Supreme Court was talking about in its free speech case of West Virginia against Barnett. That was the famous flag salute case, and it is appropriate to recall that the Supreme Court upheld the right of the child not to salute the national flag. Justice Robert Jackson spoke for the Court, and he said:

Freedom to differ is not limited to things that do not matter much. That would be the mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.